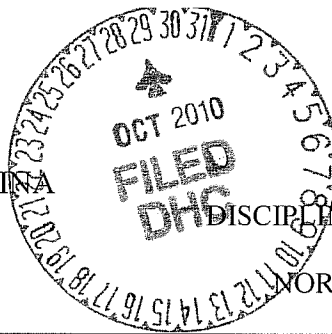


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
10 DHC 40

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

DAVID H. ROGERS, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (hereafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, David H. Rogers (hereafter "Defendant" or "Rogers"), was admitted to the North Carolina State Bar on 8 June 1979 and is an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina. Rogers' license to practice law in North Carolina was active from the date of his admission until 7 March 1983, when he was judicially suspended. Rogers' license was reinstated on 3 January 1986 and remained active until 20 March 2003, when it was suspended for three years. On 25 May 2006 Rogers entered into a consent order of discipline wherein his license was suspended for five years, to run consecutive to his prior suspension. Rogers' law license remains suspended as of the date of the filing of this complaint.

3. In July 2008, Rogers went to the Orange County home of William Anthony Ralston and shot Ralston in the abdomen, seriously injuring him.

4. As a result of the conduct described in paragraph 3, Rogers was charged, in *State of North Carolina v. Rogers*, Orange County file numbers 08 CRS 000872 and 08 CRS 053684, with one count each of attempted murder (a class B2 felony) and assault with a deadly weapon with intent to kill inflicting serious injury (a class C felony).

5. On 11 October 2010, after a Superior Court jury trial, Rogers was convicted of both charges in file numbers 08 CRS 000872 and 08 CRS 053684.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §§ 84-28(b)(1) and (b)(2) in that Defendant violated one or more of the Rules of Professional Conduct in effect at the time of his actions and violated § 84-28(b)(1) as follows: By shooting and seriously wounding Ralston, and being convicted of attempted murder and assault with a deadly weapon with intent to kill or inflict serious injury, Rogers committed a criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b), and was convicted of a criminal offense showing professional unfitness in violation of § 84-28(b)(1).

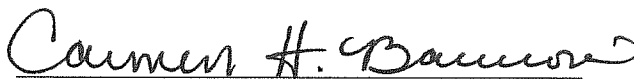
WHEREFORE, Plaintiff prays that

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. § 84-28 (c) and 27 N.C.A.C. 1B § .0114 as the evidence on hearing may warrant;
2. Defendant be taxed with the administrative fees and with actual costs permitted by law in connection with the proceeding; and
3. For such other and further relief as the Hearing Panel deems appropriate.

This the 28 day of October, 2010.



Ronald G. Baker, Chair
Grievance Committee



Carmen Hoyme Bannon, Deputy Counsel
State Bar #33998
Attorney for Plaintiff
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